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DIVORCE—GROUNDS—CRUELTY.—*CAMPBELL v. CAMPBELL*, 112 N. W. 481 (MICH.). The action of a wife in repeatedly and causelessly accusing her husband in the presence of others with the offense of adultery is extreme cruelty, warranting a divorce.

The causes for divorce must be great and weighty, and such as show an absolute impossibility that the duties of the married life can be discharged. What merely wounds the mental feelings is in few cases to be admitted, where they are not accompanied with bodily injury, either actual or menaced. Mere rudeness of language, if it does not threaten bodily harm does not amount to legal cruelty. *Evans v. Evans*, (1790), 1; *Hagg. Consist*, 35, 4 Eng. Eccl. 310. It was formerly thought that to constitute extreme cruelty, such as would authorize the granting of a divorce, physical violence was necessary, but the modern and better-considered cases have repudiated this doctrine as taking too low and sensual a view of the marriage relations and it is now very generally held, that any justifiable conduct on the part of either, which utterly destroys the legitimate ends and objects of matrimony, constitute extreme cruelty, although no physical or personal violence may be inflicted, or even threatened. *Carpenter v. Carpenter*, 30 Kan. 744; *Avery v. Avery*, 33 Kan. 1. This case seems to give the general rule on this subject, though some statutes provide that extreme cruelty is the infliction of grievous bodily injury or grievous mental suffering upon the other by one party to the marriage, and whether in any given case there has been inflicted this "grievous mental suffering" is a pure question of fact, to be deduced from all the circumstances of each particular case, keeping in mind the intelligence, apparent refinement and delicacy of sentiment of the complaining party. *Fleming v. Fleming*, 95 Cal. 430. Personal violence, whether actual or threatened, or even gross or abusive language, is not absolutely necessary to constitute cruel and inhuman treatment, *Reinhard v. Reinhard*, 96 Wisc. 555. A charge of adultery against the wife, made by the husband, if malicious and without any probable cause, may constitute cruel and inhuman treatment within the meaning of statute, granting divorce for cruel and inhuman treatment, *Wagner V. Wagner*, 36 Minn. 239; *Kennedy v. Kennedy*, 73 N. Y. 369. Texas courts refuse to give an action to the husband for this cause, but give action to wife, if so charged. *Jener v. Jener*, 62 Texas 518; *McAlister v. McAlister*, 71 Texas 695.

DIVORCE—SEPARATION—WILFUL ABANDONMENT.—*HEYMAN v. HEYMAN*, 104 N. Y. SUPP. 227.—*Held*, that a single night's absence by a husband from his home, which was furnished, in which his wife and child were being supported, and for which the rent was fully paid for a month, did not justify the wife in leaving the home and commencing an action solely on the charge of wilful abandonment.

The intention to abandon is the criterion and it may be gathered from protracted absence and other facts. *Ruckman v. Ruckman*, 58 How. Pract. 278 (N. Y.). It must be the deliberate act of the party complained against. *Ahrenfeldt v. Ahrenfeldt*, 1 Hoff. Ch. 47 (N. Y.). The abandonment must be shown to be without the fault of the plaintiff and that the defendant was in fault in not resuming the marriage relation. *Smithson v. Smithson*, 18 D. C. 356. So an absence of three years was held not to be a desertion in the legal sense in *Rogers v. Rogers*, 18 N. J. Eq. 445, under the circumstances.